



City of Westminster

Planning & City Development Committee

Date: 27 April 2023

Classification: General Release

Title: Early Community Engagement Guidance Update

Report of: Deirdra Armsby, Director of Town Planning and Building Control

Financial Summary: None.

Report Author and Contact Details: Oliver Gibson, Strategic Planning Officer (ogibson@westminster.gov.uk/ 07971026919)

1 Executive Summary

- 1.1 The council launched its Early Community Engagement guidance in February 2022. The guidance was designed to address the concerns expressed by local communities in recent years that they are regularly consulted too late in the planning pre-application process by developers, or in some instances not consulted at all.
- 1.2 The guidance sets expectations for engagement carried out by applicants and developers and provides a framework to support them so that their pre-application engagement with communities occurs at an earlier stage, is more transparent, inclusive and accessible, and is more responsive to the expectations of local communities.
- 1.3 The guidance has now been in use for 12 months and this report provides a review of its use and effectiveness in that period and considers how the guidance and related practices can be updated and revised to make them more effective in driving improved applicant and developer behaviour when carrying out community engagement at pre-application stage.

2 Recommendation

- 2.1 Members are invited to discuss and comment on the contents of this report and consider the following recommendations for update of the current guidance and related practices. The recommendations are designed to address issues identified during the first 12 months of the use of the guidance which are identified in Section 4.
 - (a) Work with the Communities Team to obtain feedback from community groups on their experience of developer engagement over the last 12 months to identify

whether there have been any changes or improvements in developer engagement activity that have not been reported to officers at pre-application stage.

- (b) Introduce a new pre-application advice service to provide applicants and developers with guidance on their early engagement strategy and identify a designated point of contact within the service to encourage developers to engage with the Council to develop their community engagement strategies ahead of paid pre-application advice with officers on the planning merits of their scheme.
- (c) Require pre-applicants for major development to provide details of their pre-application engagement as a mandatory part of the pre-application request submission form.
- (d) Amend the guidance to make the expected requirements at pre-application stage clearer, including provision of a template Early Engagement Strategy.
- (e) Review website to improve the online profile of Early Community Engagement guidance.
- (f) Write to the WPA, planning agents and other relevant bodies and organisations to relaunch the updated guidance and related practices.
- (g) Continue to work with applicants and developers to develop a set of enhanced case studies for future inclusion in the guidance, so that practical application of the principle of the guidance is more clearly articulated.

3 Background

Guidance Context

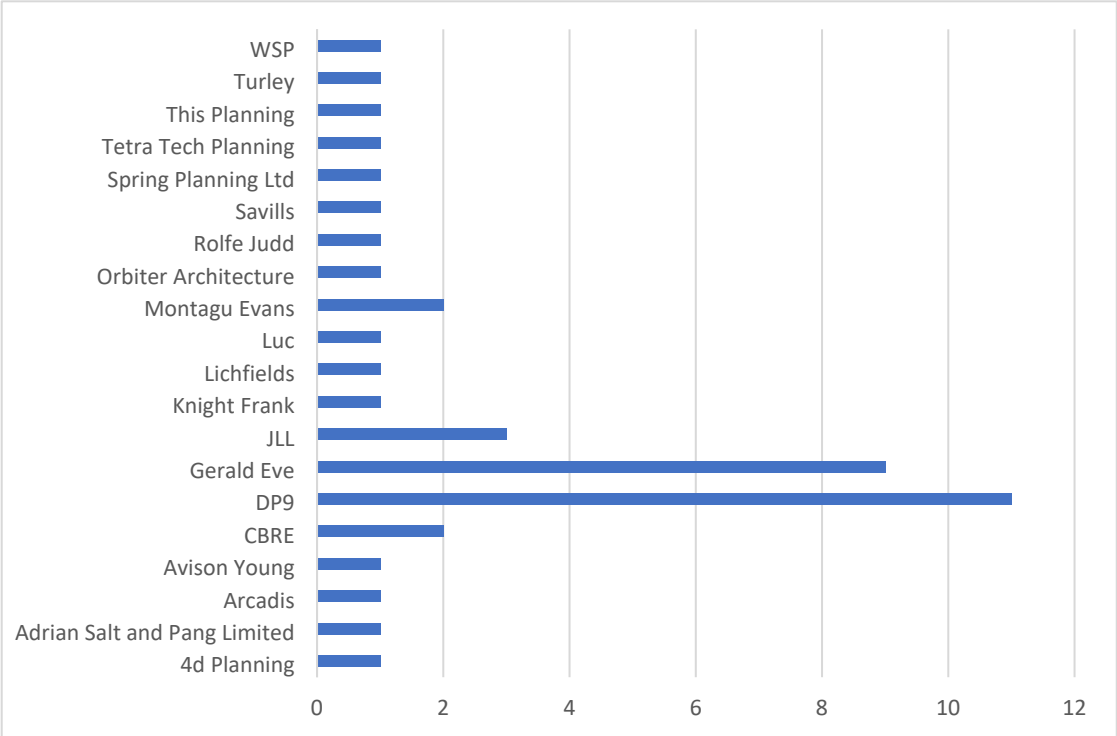
- 3.1 The adopted guidance has been developed within the current non-statutory framework that governs community engagement at pre-application stage. Whilst there is recognition of the importance of community engagement in planning in the National Planning Policy Framework (NPPF) (2021) and National Planning Practice Guidance (NPPG), applicants and developers are not compelled to engage and are not required to meet identified minimum standards when doing so. The NPPF and NPPG do not set out how or at which stage engagement, if undertaken, should occur. Whether an applicant has undertaken pre-application engagement, and the quality of that engagement, is not a ground on which a subsequent planning application can reasonably be determined.
- 3.2 The advice in the adopted guidance builds upon the expectations and requirements set out in Section 8 of the current Statement of Community Involvement (2014), which will be updated later in 2023. The updated version of the SCI will better promote the principles of early engagement across both developer and council engagement activities on planning matters and will enhance the profile and importance of the guidance by having greater alignment with the processes and expectations it contains.
- 3.3 The adopted guidance explains the Council's expectation that community engagement is undertaken by developers as early as possible during the planning pre-application phase using methods that maximise meaningful engagement with all parts of the local community. The guidance also puts in place a mechanism to provide officers with enhanced visibility of views of the local community at pre-application stage, allowing officer advice at this stage to take greater account of local views where these are consistent with the development plan.

4 Application of the Guidance Since February 2022

Guidance Use During 2022/23

- 4.1 All major pre-application advice requests made during the last 12 months have been analysed to develop a detailed picture of the approach applicants and developers have taken to pre-application engagement since the publication of the guidance.
- 4.2 There have been 42 new requests for pre-application advice (i.e. excluding follow up requests for advice on the same site) between February 2022 and the end of March 2023. The requests have been submitted by a significant number of different planning agents and architects, demonstrating a need for the principles of the guidance and how they are expected to be complied with in practice, to be understood by a wide range of planning and architecture professionals and their wider application teams.

Table 1 – Range of agents/architects submitting pre-application major requests.



- 4.3 The guidance encourages applicants to submit details of the early community engagement activities they have undertaken to date with their pre-application advice request (in a document referred to in the guidance as an Early Engagement Strategy). Disappointingly to date only one such document has been received. This was drafted by Concillio and submitted at pre-application stage in support of proposals to redevelop West End Central Police Station, 27 Savile Row, W1S 2EX.

Table 2 – New major pre-application requests accompanied by details of early community engagement undertaken by the developer.

Information provided	1
Information has not been provided	36
Total New Major Pre-App Requests	42

4.4 The Early Community Engagement guidance sets a threshold 50 units/10,000m² of new floorspace above which applicants for these larger scale schemes are encouraged to invite officers to the early community engagement activities that are undertaken. Of the 42 new pre-application requests submitted, 6 emerging developments were above this threshold, but no requests for officer attendance at pre-application engagement events were received in relation to these schemes.

Table 3 – New major pre-application requests above or below the threshold for inviting officers to early community engagement activities.

Above Officer Invite Threshold	6
Below Officer Invite Threshold	36
Total New Major Pre-App Requests	42

4.5 Since May 2022 text explaining the expectations for applicants and developers to undertake early community engagement has been included in pre-application advice letters. Analysis of advice provided since June 2022 demonstrates that all officer responses where the undertaking of early community engagement is relevant have included specific advice that the pre-applicant should be undertaking early community engagement as soon as possible and that they should communicate the outcomes with the council, either as part of follow up pre-application discussions or in the Statement of Community Involvement submitted at application stage.

Examples of Schemes Following the Guidance

4.6 As identified in paragraph 4.3, an Early Engagement Strategy (ESS) was submitted with the pre-application request for redevelopment of West End Central Police Station, 27 Savile Row, W1S 2EX. The submitted ESS provides evidence of engagement undertaken to date, identifies issues raised and sets out a structure for future engagement (see Background Paper 1).

4.7 The approach taken, whilst short in format (2 pages) is welcome in that it takes a more factual approach to documenting pre-application engagement than can normally be found in Statements of Community Involvement submitted at application stage. In this regard the statement is consistent with the aim of the guidance to promote a more facts-based approach to analysis of engagement feedback.

4.8 The submitted statement diverges from the guidance in that whilst engagement had occurred prior to the submission of the pre-application advice request to officers, the engagement undertaken at this stage was limited to local groups and not with the wider public. Whilst a factual summary of feedback is provided in the statement, there is no provision of any written feedback captured from those consulted to corroborate the developer summary.

4.9 The statement concludes with a strategy for future community engagement and this aspect of the statement generally consistent with the aims of the guidance as it is able to set out a clear timetable for future engagement with other local groups and the wider community, including high level details of the format and approach to this forthcoming engagement. The approach to engagement with the wider community would though have been improved by provision of more than one exhibition event to maximise

attendance, although it is noted that an online event was also held to provide alternative access to the publicly exhibited information.

- 4.10 The statement offers to make a full summary of the feedback received to community engagement available to officers, but this was not provided prior to submission of the formal application in November 2022.
- 4.11 The formal application for redevelopment of West End Central Police Station (22/07647/FULL) is accompanied by a Statement of Community Involvement (SCI)¹. The SCI clearly takes on board the broad principles of the guidance and its content is more factual in tone and content than is often found in application SCIs for schemes of similar size and scale. The summary of the comments made by interested parties is balanced (albeit original comment documents are not provided as envisaged in the guidance) and the SCI provides a summary of how the scheme has been developed and enhanced in response to views expressed by consultees during the pre-application engagement (see pages 33-34 of the SCI in Background Paper 2).

5 Enhancing the Guidance

- 5.1 Whilst it is regrettable that following the positive launch of the guidance in February 2022, which received widespread support from the developer and planning agent community, there has not been wider industry 'buy in' into the principles set out in the guidance, it is clear that the issues are in part rooted in a lack of clarity around what is expected of applicants and developers at pre-application stage. This is in large part the product of the non-statutory environment that pre-application engagement operates within. Nevertheless, it is considered there is the opportunity to address these issues in future by amending and updating the guidance and the processes that support it. The following recommendations have been arrived at to make the guidance clearer and simpler for applicants and developers to comply with in practice.
- 5.2 It is also important that the opportunity value of this review is recognised as an opportunity to revisit how the Council promotes the guidance to drive greater compliance and raise the profile of the guidance among our developer community.

Recommendation (a) – Obtain Feedback from Communities

Officers will liaise with colleagues in the Communities Team to obtain feedback from a wide range of community groups to identify whether engagement undertaken in the first 12 months since the publication of the guidance has improved despite the failure of developers to share their engagement activity with officers at pre-application stage, as identified in Section 4. The outcome of this engagement with our communities will be shared with the Committee and may inform further recommendations for amendments to the guidance and the processes that support its implementation.

Recommendation (b) – Introduce an Early Engagement Pre-App & Point of Contact

The pre-application advice service will be amended to introduce a new free early engagement strategy pre-application request option. This will allow developers to seek advice from the Council on their proposals for carrying out early community engagement prior to seeking paid advice from officers on the planning merits of their proposed development at a later date. This will provide developers with a clearer and

¹ https://idoxpa.westminster.gov.uk/online-applications/files/055E1A56A4777B4325503E6DE2EB1E04/pdf/22_07647_FULL-STATEMENT_OF_COMMUNITY_INVOLVEMENT_AND_SUMMARY_OF_CHANGES-7560722.pdf

more formalised route to working with the Council at the earliest stage in their scheme development process and will better support them to maximise the reach of their engagement. Allied to this, a designated point of contact within the service will be identified. This will enable developers to more easily contact the planning service to raise specific ad-hoc questions related to the delivery early community engagement.

Recommendation (c) – Require Details of Engagement at Pre-Application Stage

Amend the pre-application advice request submission portal to prompt pre-applicants to provide details of community engagement that has been carried out and is planned in future using mandatory fields. This recommendation will help to raise the profile of the guidance expectation that community engagement should start at the earliest stage of scheme development, improve the sharing of engagement feedback with officers at pre-application stage and ensure more consistent collection of data demonstrating the effectiveness of the guidance.

Recommendation (d) – Simplify the Submission of Engagement Information

Develop a template for Early Engagement Strategies to make the process of submitting evidence of pre-application community engagement simpler for applicants and developers. Standardisation of the approach with a template, which can be included in the appendices of the guidance, would help to drive up compliance in terms of reporting on engagement at pre-application stage and ensure that the information submitted is more consistent with the requirements of the guidance.

Recommendation (e) – Raise Guidance Profile on Website

Officers will review the positioning of the guidance on the Council's website so that it is more prominently promoted to applicants and developers considering making a request for pre-application advice.

Recommendation (f) – Relaunch the Updated Guidance

The updates to of the originally published guidance and supporting processes will be used as an opportunity to relaunch the guidance, to boost its profile across the development industry, including industry bodies, the planning agent community, and other relevant planning related bodies and organisations.

Recommendation (g) – Work with Applicants to Develop Good Practice

Reduced activity in the development industry over the past 12 months has suppressed opportunities to work with key developers in Westminster to develop examples of good practice. As activity in the development industry increases, officers will refocus efforts to work with development sector partners to curate an improved set of case studies that can be included in a future updated version of the guidance. This will help to more clearly articulate how the principles of the guidance should be applied in practice.

6 Financial Implications

6.1 None. Any financial implications can be accommodated within existing budgets.

7 Legal Implications

7.1 None.

8 Conclusion

- 8.1 The evidence of uptake of the principles set out in the Early Community Engagement guidance is disappointing considering the strong development industry support at the time of launch. It is clear that the principles set out in the guidance need to be better supported by improved processes at pre-application stage that prompt and support applicants and developers to provide information on the engagement that has occurred.
- 8.2 It is evident that at a time of constant change in planning legislation, policy and guidance, the profile of the Early Community Engagement guidance has dropped, even among applicants and agents regularly working in Westminster. Therefore, it is important that we take steps to re-establish with them the importance the Council attaches to placing communities at the heart of the planning process. This can be achieved by relaunching the updated guidance and referring to the guidance more clearly and prominently on our website.
- 8.3 The Committee is asked to consider the contents of this review and its recommendations advise whether it considers the recommendations are appropriate to improve adherence with the principles of the guidance.

If you have any questions about this report, or wish to inspect one of the background papers, please contact: Oliver Gibson (ogibson@westminster.gov.uk / 07971026919)

Background Papers:

1. West End Central Police Station Early Engagement Strategy.
2. West End Central Police Station Statement of Community Involvement.